

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

UNITED STATES OF AMERICA ex rel. ANDREA DIAZ, et al.,

(b) County of Residence of First Listed Plaintiff Philadelphia

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

David F. McComb, Esq., Zarwin, Baum, DeVito, Kaplan, Schaer &amp; Toddy, P.C., 1818 Market St., 13th Fl., Phila., PA 19103 (215) 569-2800

## DEFENDANTS

BEACON POINT RECOVERY CENTER, LLC D/B/A AMBROSIA TREATMENT CENTER, and JERRY HAFEEY SR.,

County of Residence of First Listed Defendant Florida

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input checked="" type="checkbox"/> 375 False Claims Act <input checked="" type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

False Claims Act  
Submission of false claims to Govt.

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

11/18/2019

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

UNITED STATES OF AMERICA  
ex rel. ANDREA DIAZ, et al.,

CIVIL ACTION


v.  
BEACON POINT RECOVERY CENTER, LLC  
d/b/a AMBROSIA TREATMENT CENTER  
and JERRY HAFLEY, SR.

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (✓)

November 18, 2019	 David F. McComb, Esquire	Plaintiffs
<b>Date</b>	<b>Attorney-at-law</b>	<b>Attorney for</b>
215-569-2800	267-765-9628	dfmccomb@zarwin.com
<b>Telephone</b>	<b>FAX Number</b>	<b>E-Mail Address</b>

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: See Attachment  
Address of Defendant: 661 University Boulevard, Suite 100, Jupiter, FL 33458  
Place of Accident, Incident or Transaction: Philadelphia, PA

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when *Yes* is answered to any of the following questions:

- |  |                              |  |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 11/18/17 Dejvid 35754  
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

CIVIL: (Place a ☒ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases  
(Please specify): Federal Claims / Qui Tam

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): \_\_\_\_\_
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases  
(Please specify): \_\_\_\_\_

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, David F. McClung counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: 11/18/2019 Dejvid 35754  
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**Attachment to Designation Form**  
**Address of Plaintiff's**

Andrea Diaz- 5807 Riverfront Drive, Palmyra, NJ 08065

Nicole Hitchings - 4428 Frankford Ave, Apt 6, Philadelphia, PA 19124

Markus Rodriguez -3359 Rand Street, Philadelphia, PA 19134

Joanne Hernandez - 4258 N. Marshall Street, Philadelphia, PA 19140

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

United States of America ex rel.

V.

BEACON POINT RECOVERY  
CENTER, LLC

Civil Action

No: \_\_\_\_\_

DISCLOSURE STATEMENT FORM

Please check one box:

☐

The nongovernmental corporate party, \_\_\_\_\_  
, in the above listed civil action does not have any parent corporation and publicly held corporation that owns 10% or more of its stock.

☐

The nongovernmental corporate party, \_\_\_\_\_  
, in the above listed civil action has the following parent corporation(s) and publicly held corporation(s) that owns 10% or more of its stock:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11/18/2019

Date

  
Signature

Counsel for: Plaintiffs

**Federal Rule of Civil Procedure 7.1 Disclosure Statement**

(a) WHO MUST FILE; CONTENTS. A nongovernmental corporate party must file two copies of a disclosure statement that:

- (1) identifies any parent corporation and any publicly held corporation owning 10% or more of its stock; or
- (2) states that there is no such corporation.

(b) TIME TO FILE; SUPPLEMENTAL FILING. A party must:

- (1) file the disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court; and
- (2) promptly file a supplemental statement if any required information changes.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

United States of America ex rel.

V.

BEACON POINT RECOVERY  
CENTER, LLC

Civil Action

No: \_\_\_\_\_

DISCLOSURE STATEMENT FORM

Please check one box:

☐

The nongovernmental corporate party, \_\_\_\_\_  
, in the above listed civil action does not have any parent corporation and  
publicly held corporation that owns 10% or more of its stock.

☐

The nongovernmental corporate party, \_\_\_\_\_  
, in the above listed civil action has the following parent corporation(s) and  
publicly held corporation(s) that owns 10% or more of its stock:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11/18/2019

Date

Signature

Counsel for: Plaintiffs

**Federal Rule of Civil Procedure 7.1 Disclosure Statement**

(a) WHO MUST FILE; CONTENTS. A nongovernmental corporate party must file two copies of a disclosure statement that:

- (1) identifies any parent corporation and any publicly held corporation owning 10% or more of its stock; or
- (2) states that there is no such corporation.

(b) TIME TO FILE; SUPPLEMENTAL FILING. A party must:

- (1) file the disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court; and
- (2) promptly file a supplemental statement if any required information changes.

# UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

UNITED STATES OF AMERICA  
ex rel. ANDREA DIAZ, et al.,

*Plaintiff(s)*

v.

BEACON POINT RECOVERY CENTER,  
LLC D/B/A AMBROSIA TREATMENT  
CENTER, and JERRY HAFHEY SR.,

*Defendant(s)*

Civil Action No.

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Beacon Point Recovery Center, LLC  
d/b/a Ambrosia Treatment Center  
661 University Boulevard, Suite 100  
Jupiter, FL 33458

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: David F. McComb, Esquire  
Zarwin, Baum, DeVito, Kaplan, Schaer & Toddy, P.C.  
1818 Market Street, 13th Floor  
Philadelphia, PA 9103  
215-569-2800

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:



# UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

UNITED STATES OF AMERICA  
ex rel. ANDREA DIAZ, et al.,

*Plaintiff(s)*

v.

BEACON POINT RECOVERY CENTER,  
LLC D/B/A AMBROSIA TREATMENT  
CENTER, and JERRY HAFHEY SR.,

*Defendant(s)*

Civil Action No.

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Jerry Haffey Sr.  
d/b/a Ambrosia Treatment Center  
661 University Boulevard, Suite 100  
Jupiter, FL 33458

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David F. McComb, Esquire  
Zarwin, Baum, DeVito, Kaplan, Schaer & Toddy, P.C.  
1818 Market Street, 13th Floor  
Philadelphia, PA 9103  
215-569-2800

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	
ex rel. ANDREA DIAZ, et al.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	CIV. NO. 19-xxxx
	:	
BEACON POINT RECOVERY CENTER,	:	
LLC D/B/A AMBROSIA TREATMENT	:	FILED UNDER SEAL
CENTER, and JERRY HAFHEY SR.,	:	
	:	JURY DEMAND
Defendants.	:	

COMPLAINT OF QUI TAM PLAINTIFFS

I. INTRODUCTION

1. This is an action to recover damages and civil penalties on behalf of the United States of America arising from false and/or fraudulent statements, records and claims made and caused to be made on behalf of Beacon Point Recovery Center, LLC d/b/a Ambrosia Treatment Center and/or their subsidiaries, agents, and employees in violation of the Federal False Claims Act, 31 U.S.C. §§ 3729, *et seq.*

2. This case involves Defendants' pursuit of Medicaid payments from the Federal Government through creative and outright fraudulent record keeping and claims submissions originating in Defendants' facility located in Philadelphia, Pennsylvania. Defendants have knowingly claimed and received payments to which they were not entitled.

3. As a direct and intended result of Defendants' improper practices, the United States of America has made payments to Defendants that were fraudulently obtained.

## II. BACKGROUND OF THE FALSE CLAIMS ACT

4. The Federal False Claims Act was originally enacted during the Civil War. Congress substantially amended the Act in 1986 and again in 2009 and 2016 to enhance the ability of the United States Government (“the Government”) to recover losses sustained as the result of fraud against the United States after finding that fraud in federal programs was pervasive and that the Act, which Congress characterized as the primary tool for combatting government fraud, was in need of modernization. Congress intended that the amendments create incentives for individuals with knowledge of fraud against the Government to disclose the information without fear of reprisals or Government inaction, and to encourage the private bar to commit legal resources to prosecuting fraud on the Government’s behalf.

5. The Act provides that any person who knowingly submits, or causes the submission of, a false or fraudulent claim to the Government for payment or approval, or who retains a payment after discovery or knowledge that it is improper, is liable for a civil penalty of up to \$11,000 for each such claim, plus three times the amount of the damages sustained by the Government. Liability attaches when a defendant “knowingly” seeks payment, or causes others to seek payment, from the Government that is unwarranted. Requisite “knowledge” can include not only actual knowledge as to the impropriety or ineligibility for federal payment of the claim or information but also acts taken in deliberate ignorance or in reckless disregard of the truth or falsity of such claim or information.

6. The Act allows any person having knowledge about a false or fraudulent claim against the Government to share in any recovery and to recover reasonable costs, expenses and attorney fees from the defendant if the action is successful. The Act requires that the complaint be

filed under seal for a minimum of sixty (60) days without service on the defendant to allow the Government time to conduct its own investigation and to determine whether to join the suit.

### III. PARTIES

7. Plaintiff/Relator Andrea Diaz (hereinafter “Diaz”) is a resident of New Jersey, residing at 5807 Riverfront Drive, Palmyra, NJ 08065. From April 8, 2019 until October 8, 2019, Diaz worked at Ambrosia’s Philadelphia facility as Clinical Director and was tasked with the overall clinical operations of inpatient detox and residential program.

8. Plaintiff/Relator Nicole Hitchings (hereinafter “Hitchings”) is a resident of Pennsylvania, residing at 4428 Frankford Ave, Apt 6, Philadelphia, PA 19124. From August 27, 2019 through October 8, 2019, Hitchings worked at Ambrosia’s Philadelphia facility as a drug and alcohol Therapist.

9. Plaintiff/Relator Markus Rodriguez (hereinafter “Rodriguez”) is a resident of Pennsylvania, residing at 3359 Rand Street, Philadelphia, PA 19134. From July 31, 2019 until October 18, 2019 Rodriguez worked at Ambrosia’s Philadelphia facility as a Case Manager performing patient care activities as directed by the attending physician, Medical Director and Clinical Supervisor.

10. Plaintiff/Relator Joanne Hernandez (hereinafter “Hernandez”) is a resident of Pennsylvania, residing at 4258 N. Marshall Street, Philadelphia, PA 19140. From August 5, 2019 through October 8, 2019, Hernandez worked at Ambrosia’s Philadelphia facility as a drug and alcohol Lead Therapist.

11. Defendant, Beacon Point Recovery Center, LLC d/b/a Ambrosia Treatment Center (“Ambrosia”) is an operator of drug and alcohol treatment and rehabilitation facilities and related

services with facilities located in Pennsylvania, Florida and California. Its principal place of business is 661 University Boulevard, Suite 100, Jupiter, FL 33458.

12. Defendant Jerry Haffey Sr. ("Haffey"), is Ambrosia's Chief Executive Officer, owner and founder. On information and belief, Haffey is a resident of Florida.

13. At all times herein, Relators were employed by Beacon Point Recovery Center, LLC d/b/a Ambrosia Treatment Center and/or their subsidiaries.

#### IV. JURISDICTION AND VENUE

14. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1367 and 31 U.S.C. § 3732, the last of which specifically confers jurisdiction on this Court for actions brought pursuant to 31 U.S.C. §§ 3729 and 3730. Under 31 U.S.C. § 3730(e), there has been no statutorily relevant public disclosure of the "allegations or transactions" in this Complaint. Relators, moreover, qualify under that section of the federal and False Claims Act as "original sources" of the allegations in this Complaint even had such a disclosure taken place.

15. This Court has personal jurisdiction and venue over Defendants pursuant to 28 U.S.C. §§ 1391(b) and 31 U.S.C. § 3732(a) because that section authorizes nationwide service of process and because Defendants have sufficient minimum contacts with the Eastern District of Pennsylvania, avail themselves of this jurisdiction and conduct business in the Eastern District of Pennsylvania.

16. Venue is proper in this District pursuant to 31 U.S.C. § 3732(a) because Defendants can be found and transact business in this District. At all times relevant to this Complaint, Defendants conducted regular, substantial business within the Eastern District of Pennsylvania. In addition, the statutory violations and fraudulent conduct alleged herein took place in this District.

## V. MEDICAID ACT BACKGROUND

17. Title XIX of the Social Security Act (“the Medicaid Act”) authorizes federal grants to the States for Medicaid programs to provide medical assistance to persons with limited income and resources. Medicaid programs are administered by states in accordance with federal regulations. State Medicaid agencies conduct their programs according to a plan approved by the Center for Medicare/Medicaid Services (“CMS”). To carry out the mandates of the Medicaid program, the State agency pays providers for medical care and services provided to eligible Medicaid recipients. Providers that wish to participate in the Medicaid program must agree to comply with certain requirements specified in a provider agreement.

18. Medicaid is a jointly funded, federal–state health insurance program for low-income and needy people. Of the roughly \$350 billion spent on Medicaid nationally, about 60 percent is paid by the federal government. A state government’s share can vary and in Pennsylvania, it is 55 percent. Medicaid covers children, pregnant women, the aged, blind, and/or disabled and other adults who are eligible to receive federally assisted income maintenance payments.

19. All states must meet federal minimum requirements, but they have options for setting eligibility standards beyond the minimum federal guidelines. The Affordable Care Act (ACA) extended Medicaid eligibility to non-elderly adults with incomes at or below 138 percent of the federal poverty limit (FPL) which, during 2016, was \$33,534 for a family of four. States are provided an enhanced federal matching payment to support the expansion. Pennsylvania expanded Medicaid during 2015.

20. Philadelphia has a comprehensive behavioral health system that was created through a partnership between the City of Philadelphia and the Commonwealth of Pennsylvania.

In 1997, Philadelphia launched its own behavioral health managed care organization, Community Behavioral Health (“CBH”).

21. The City of Philadelphia has approval from the Commonwealth of Pennsylvania, Department of Human Resources to manage a Mandatory Medical Assistance Behavioral Health Managed Care Program for eligible persons residing in the Philadelphia County called the HealthChoices Behavioral Health Program. HealthChoices is the name of Pennsylvania’s managed care programs for Medical Assistance recipients.

22. CBH is a non-profit organized under the laws of the Commonwealth for the primary purpose of arranging for the delivery of, and paying for, mental health and substance services for eligible medical assistance recipients to be provided by independent healthcare providers. CBH is contracted by the City of Philadelphia to manage the delivery of behavioral health services for Medicaid recipients of Philadelphia County. Services are delivered in accordance with Pennsylvania’s HealthChoices Program, administrated through the Office of Mental Health and Substance Abuse Services (OMHSAS).

23. CBH authorizes payment for an array of services, including mental health and substance use outpatient programs, residential rehabilitation programs, inpatient psychiatric and addictions treatment programs, and family and community-based therapies.

24. CBH requires that a MA-307 form must accompany all claims for payment. In this form, a provider is attesting to the accuracy of the information and that the individual could be prosecuted for false claims, statement or documents, or concealment of material fact.

25. Federal law requires state Medicaid programs to cover basic services, but states also can choose to cover up to 30 optional benefits. Pennsylvania covers 24 optional benefits, including prescription drugs, vision, dental, physical therapy, home health, and hospice care. The



state's Medicaid expansion coverage includes the ACA's ten essential health benefits, such as preventive services, and expanded mental health and substance use treatment services.

26. Pennsylvania's HealthChoices Program pays for most addiction treatment services for eligible individuals. For many services, individuals may be required to undergo a clinical assessment to show medical need for treatment. Pennsylvania's HealthChoices Program typically pays for the following services: cognitive behavioral therapy, dialectical behavioral therapy, counseling, medically supervised detox, medication management, medication-assisted treatment (MAT), outpatient programs and residential programs.

27. Behavioral health and other medical services and payments under Pennsylvania's HealthChoices Program are governed by statutes, rules and regulations, and Provider Agreements between the Managed Care Organizations ("MCOs") and/or Health Maintenance Organizations ("HMOs") authorized to administer Medicaid and the Providers with whom the MCOs/HMOs contract to provide services.

28. All providers of Medicaid medical services are required to meet and follow certain guidelines and requirements. These requirements include, but are not limited to, the following:

- a. valid accreditation;
- b. appropriate record keeping that reflects all aspects of patient care at the location where services are provided;
- c. making financial and clinical records available for review by government and MCO utilization review auditors;
- d. provision of care pursuant to nationally recognized standards of care by individuals with licensures commensurate with the provision of such care;
- e. conformity with Provider Agreements regarding level of care, authorization for services, and provision of services.

29. Under Medicaid, in the area of behavioral health, Providers must receive preauthorization and concurrent authorization for almost all services rendered. Absence of authorization for services can, and often does, result in nonpayment to providers. Preauthorization is typically obtained by reporting clinical information sufficient to establish and certify the medical necessity of the service for which authorization is sought on a form, which is then provided to the MCO/HMO. The form must be executed certifying the veracity of its contents. The MCO/HMO then reviews the information as provided and, if medical necessity is established, preauthorizes treatment by certifying medical necessity or, if medical necessity is not established, refuses authorization outright or requests additional documentation.

30. Obviously, Providers are only entitled to reimbursement for the actual care provided. For instance, if a patient is authorized for care up to detoxification, but the Provider only provides rehabilitative services, the Provider is authorized to accept payment only for the level of care actually provided.

31. In the context of behavioral health, concurrent authorization review is common. Concurrent authorization involves a review by the MCO or HMO of the then existing clinical information, communicated by the Provider, to determine whether ongoing treatment is medically necessary. For instance, the MCO might review the information and determine that a patient who is receiving detoxification services no longer needs that level of care, and withdraw authorization for that level of care.

32. Providers are further required to report when an eligible recipient is no longer receiving authorized care to ensure that the Provider does not receive payment for services it does not provide. For instance, if a patient dies during treatment, or leaves against medical advice (“AMA”), before the certified period of authorization has elapsed, the Provider must report that

information to the MCO and can claim payment only for the period of time for which the Pennsylvania Medicaid recipient actually received care. Likewise, Providers must report accurately the level and amount of services provided and cannot misstate or overstate the services provided.

## VI. SPECIFIC MISCONDUCT BY DEFENDANTS

### A. Failure to Provide Services

33. Defendants billed and received payment from Pennsylvania Medicaid for services that they did not provide.

34. Haffey and Ambrosia opened their Philadelphia location in mid-2019. From April 2019 through August 2019, Diaz, the Clinical Director, was tasked to assist with “startup” duties such as writing the Request for Proposal to Medicaid (“RFP”) contract, recruiting, training and onboarding clinical, administrative and supportive staff. As Ambrosia’s Human Resources function is housed in the Florida location, many of those tasks were delegated.

35. Ambrosia’s treatment program opened on August 5, 2019 as an “out of network provider” with Medicaid as the in-network contract was being negotiated.

36. As a startup, the program was not sufficiently staffed, nor were employees adequately trained how to complete necessary tasks. For example, nurses were hired in order to complete intake assessments, physicals, medication assessment, etc. However, nursing staff is required to be supervised by a Nursing Director with at least a Master level degree in nursing. Despite that, however, Diaz was tasked to supervise the nursing staff including clinical and administrative supervision, even though Diaz does not hold any nursing degree.

37. Due to the shortage in staff, including nurses, clinicians, and intake staff, Diaz was directed to complete clinical assessments, facilitate clinical groups, complete all necessary

documentation, etc. However, as clinical director, she was not supposed to fulfill a Therapist role and Pennsylvania Department of Drug and Alcohol regulations state that a full-time clinical supervisor is required separate and apart from a clinical director.

38. Diaz was also directed by Defendants' management to ask clinical therapists to complete clinical documentation fraudulently, such as completing treatment notes after a client had been discharged from program, or completing treatment plans after the discharge of a client, and completing individual treatment notes for patients who were not, in fact, seen individually.

39. Diaz initially closed charts as they "were," however, she was then asked by Defendants' management to re-open the charts and to direct the therapists to complete documentation in order to bring the chart "up to compliance." In addition, she was asked to do the same for her own charts.

40. Diaz was also asked to forward documentation to Defendants' medical director to approve after the required date, such as treatment plans which are required, and were signed off by the medical director weeks or months later. The delay and/or "backdating" of clinical documentation was "directed" in order to make sure Medicaid would reimburse services without any variances including financial payout to Medicaid.

41. In short, Diaz was directed by Chief Executive Officer and Founder, Jerry Haffey Sr., ("Haffey"), and other of Defendants' managers, including Joseph Curran ("Curran"), the Executive Director of Philadelphia, and Ambrosia's Clinical Director of Services, Dr. Sal Raichbach ("Raichbach"), to carry out unethical, fraudulent and duties beyond her credentials, and which resulted in her constructive discharge. Diaz felt compelled to resign her position on October 8, 2019 due to the acute stress, physical and emotional exhaustion she felt as a result of being

required to commit unethical and fraudulent practices. Even as she was leaving, Defendants requested that Diaz submit further fraudulent treatment paperwork on her last day.

42. Relators Hitchings and Hernandez were responsible for patient caseloads and providing substance abuse and mental health counseling in the form of group, individual, and family therapy.

43. Group therapies include but are not limited to educational groups, didactic, and experiential. A Therapist is required to conduct pertinent assessments such as bio-psychosocial and develop a multifaceted treatment plans with measurable and short-term attainable goals. The Therapist is required to fully document the treatment process, including the preparation of clinical progress notes, treatment planning, and all other pertinent clinical documentations required to meet and exceed state and federal standards.

44. On or about September 12, 2019, Raichbach held a clinical meeting with Hitchings, Hernandez, other Therapists, Case Managers, and the Clinical Director, Relator Diaz. Raichbach told the clinical team they should document treatment of individuals for an hour even if client was seen for only 5-10 minutes, they should open past patient's charts to add individual's and group notes even if those patients were not seen.

45. Raichbach stated to the clinical team that "it didn't matter who wrote the paperwork," to just have the client's Therapist sign off on the document, and to create several different treatment plans per client for no reason. The clinical team also was directed to run afternoon groups with as many as 25 people, by themselves if necessary, with no help.

46. Hitchings and Hernandez were also asked by Haffey and Curran to put individual session and group notes into charts -- even if they did not see the patients. In addition, Raichbach,

Haffey and Curran told Hitchings and Hernandez to make up notes for individuals that were not their patients.

47. Defendant asked Therapists, including Hitchings and Hernandez, to prepare treatment paperwork even if the client was no longer in the program. For example, Defendants allowed their staff to open up closed charts to put missing paperwork into the system. The staff was also told to backdate documents and then have the appropriate Therapist sign them. The following patients had their charts back dated: RH, JM, PP, VS, JM, DH, JM, PM, RO, CG, KM, JG, AJ, AL, DW, GG, JF, JI, JG, LE, JM, DS, NR, TB, HB, EL, CC, LW, ML, WL, GF, JH, MT, MS, WK, CP, JZ, NB, RM, RC and DY. On information and belief, Defendants directed that other patient charts be backdated and otherwise recorded in a false and fraudulent manner.

48. Hitchings and Hernandez were specifically told that if they spoke to a client for 10 minutes to put an individual session into his/her chart and, rather than writing the actual treatment times, to make it an hour-long session. In addition, there were certain patients that were on Hitchings' case load that she never met or saw, but for whom she was told to prepare and submit treatment paperwork. For example, Hitchings was told to increase the time for at least the following patients: JH, JZ, CP, RM and MM.

49. Because of a work overload and scheduling conflicts, Hitchings and Hernandez frequently were unable to see some patients or complete paperwork and they expressed their concern to Haffey and Curran on several occasions. Haffey and Curran responded by telling them to write in treatment notes for the individuals -- even if they did not see the clients. Hitchings and Hernandez told Raichbach, Haffey and Curran that they felt uncomfortable doing this, who responded that if they wanted to keep their job, they had to do it. For example, Hitchings never met patients NB and RC, but was told to complete their treatment paperwork.

50. On one occasion, Hitchings sent an email to Defendants' management stating that certain patients told her that their therapist had not seen them since they arrived at the facility. Hitchings looked at their charts, and saw that they were empty. She then raised the issue in a clinical meeting with Defendants and, a few hours later, another Therapist had put in individual sessions for both patients in their chart for days that he did not, in fact, see or treat them.

51. Relators Hitchings and Hernandez were fired from their positions in October 2019 because they complained to Defendants about the billing and treatment misconduct and attempted to stop the fraudulent practices. The reasons given for their terminations were pretextual and demonstrably false.

52. When Relator Rodriguez was first hired, Raichbach and others told him that he needed to help with biopsychosocial assessments, which are intended to examine the interconnection between biology, psychology and socio-environmental factors. Rodriguez was told by Defendants to do the assessments because, at that time, they had only had one Therapist, who could not handle all the work.

53. However, only licensed Therapists can do assessments. Despite that requirement, Raichbach and Binny Montenegro, Ambrosia's Chief Operating Officer, told Rodriguez and other Case Managers to work on the biopsychosocial assessments because of the shortage of Therapists.

54. On or about October 16, 2019, Raichbach told Case Managers to do initial treatments plan with the patients, because Ambrosia continued to be short-staffed.

55. On or about October 17, 2019, Raichbach told Rodriguez to complete Utilization Reviews ("UR") with assistance from a compliance consultant. Rodriguez was not qualified or licensed to do UR's. The URs were completed on October 18, 2019 with very little information. An UR needs to provide reasons why a client needs more time at a rehab center. In many instances,

no initial treatment was provided or individual sessions done, and hardly any of the clients' charts were completed. Despite the absence of information necessary to do a UR and despite Rodriguez lacking the qualifications and experience to do a UR, he was told by Dennis Deal, Ambrosia's Compliance Officer, and Curran to write whatever was necessary to get the client more time at Defendants' Philadelphia facility.

56. In short, Rodriguez was pressured into doing things he did not want to do and was not authorized to perform: providing biopsychosocial assessments, initial treatment plans, group session notes and UR's. The governing regulations required those services to be done by persons with greater qualifications and/or experience than Rodriguez possessed.

57. After Rodriguez expressed concerns about these issues to Defendants, he was terminated for pretextual and demonstrably false reasons.

#### B. Illicit Authorizations

58. Defendants routinely changed their internal records and misrepresented the care and protection they provided to their patients. Specifically, Defendants changed the information in patient charts to reflect appropriate levels of care they had not provided. More alarmingly, Defendants went so far as to document treatment for patients who were never seen.

59. Further, absent supervision from qualified and credentialed personnel, Defendants were not authorized to provide much of the treatment they did provide and for which they requested reimbursement. Defendants certified that they were providing appropriate care under appropriate medical supervision, but no such supervision existed. For periods of time, Defendants had no medical director or even a registered nurse to serve as director of nursing. General staffing levels were inadequate to provide the levels of care Defendants certified that they were providing, forcing clinicians to carry patient loads that far exceeded the standard of care.



60. Defendants' own records, including their Electronic Health Records ("EHR"s) clearly demonstrate the falsification and backdating of treatment records and that they were billing for more treatment than they were actually providing or were authorized to provide.

61. Defendants and their senior management, including Raichbach and Curran, actively encouraged the modification of charts, requests for authorization, and internal documentation to maximize reimbursement. These individuals, for the benefit of Defendant, instructed staff to alter and falsify patient charts and records.

62. Additionally, or alternatively, Defendants knew that their reimbursements were obtained as the result of false claims but they have not disgorged the funds. Relators specifically provided information to Defendants warranting a corporate audit of bookkeeping records to make the Defendants aware of the false claims, but no action was taken. Rather, Relators were chastised and then fired to keep the fraudulent bookkeeping quiet.

COUNT I: FALSE CLAIMS ACT - FALSE CLAIMS  
(31 U.S.C. §§ 3729, *et seq.*)

63. Relators reallege and incorporate by reference the allegations of preceding paragraphs.

64. This is a claim for treble damages and penalties under the Federal False Claims Act.

65. Through the actions and inactions described above, Defendants have knowingly caused to be presented to the United States Government for approval and payment false and fraudulent claims by Pennsylvania Medicaid program.

66. As a result of these false claims, the United States of America made payments that it was not obligated to make, suffered and continues to suffer damages in an amount that cannot yet be finally determined but which amounts to a significant amount of dollars.

COUNT II: FALSE CLAIMS ACT - FALSE RECORDS  
(31 U.S.C. §§ 3729, *et seq.*)

67. Relators reallege and incorporate by reference the allegations of preceding paragraphs.

68. This is a claim for treble damages and penalties under the Federal False Claims Act.

69. Through the actions and inactions described above, Defendants have knowingly made, used and caused to be made and used false records and statements to get paid false or fraudulent claims by Pennsylvania Medicaid for federal matching funds.

70. As a result of these false records, the United States of America made payments that it was not obligated to make, suffered and continues to suffer damages in an amount that cannot yet be finally determined but which amounts to millions of dollars.

COUNT III - WHISTLEBLOWER RETALIATION  
(31 U.S.C. §3730(h))

71. Relators reallege and incorporate by reference the allegations of preceding paragraphs.

72. Defendants initiated adverse employment actions against Relators because they engaged in protected activity under the False Claims Act.

73. Defendants retaliated against Relators because they had taken steps to stop the fraudulent scheme that Defendants were engaging in to falsely and fraudulently submit claims.

COUNT IV- PENNSLVANIA WHISTLEBLOWER LAW  
(43 P.S. 1423(a))

74. Relators reallege and incorporate by reference the allegations of preceding paragraphs.

75. Defendant Ambrosia/Beacon is an “employer” within the meaning of the Pennsylvania Whistleblower Law, 43 P.S. 1423(a) (“WBL”) as it receives money from a public body to perform work or provide services relative to the performance of work.

76. Defendant Haffey is an “employer” within the meaning of the WBL.

77. Defendants were aware, or should have been aware, that Relators were engaged in protected activity under the WBL by making reports to their employers and their supervisory staff of wrongdoing or waste, without malice or consideration of personal benefit, about which Relators had reasonable cause to believe was true.

78. In response, Defendants retaliated against Relators by terminating their employment, including causing the constrictive termination of Relator Diaz’s employment.

79. The stated reasons for Relators’ termination are demonstrably untrue and pretextual.

#### PRAYER FOR RELIEF

WHEREFORE, plaintiffs, on behalf of the United States, demand and pray that judgment be entered in their favor as follows:

1. On the First and Second Counts under the False Claims Act, for the amount of the United States’ damages, trebled as required by law, and such civil penalties as are required by law, together with all such further relief as may be just and proper;

2. On the Third Count for whistleblower retaliation, all statutory damages and relief, together with all such further relief as may be just and proper;

3. On the Fourth Count under the PWL, all statutory relief, punitive damages, costs and attorney’s fees; and.

3. Award all statutorily-mandated attorney's fees to Relators' counsel, and other relief as may be required or authorized by law and in the interests of justice.

Respectfully submitted,

ZARWIN, BAUM, DeVITO, KAPLAN  
SCHAER & TODDY, P.C.



---

David F. McComb  
dfmccomb@zarwin.com  
PA Bar Mo. 35754  
Zachary A. Silverstein  
zsilverstein@zarwin.com  
1818 Market Street, 13th Floor  
Philadelphia, PA 19103  
Fax: 267-765-9665  
Attorneys for Plaintiffs

Date: November 13, 2019